

**U.S. v. Edward S. Adams**  
**Case No. 17-64 (DWF/KMM)**

**Exhibit 11**

**To:** Kokkinen, John (USAMN)[jkokkinen@usa.doj.gov]; Wade, Lance[LWade@wc.com]  
**Cc:** Rank, Timothy (USAMN)[TRank@usa.doj.gov]; Maclaughlin, David (USAMN)[DMAclaughlin@usa.doj.gov]  
**From:** Maier, Gloria  
**Sent:** Sun 6/24/2018 7:42:32 AM  
**Importance:** Normal  
**Subject:** RE: Adams - Report of Phone Call to Chambers  
**MAIL RECEIVED:** Sun 6/24/2018 7:44:08 AM  
[Draft letter to KMM 2018-06-24 - Adams revision.docx](#)  
[Draft letter to KMM 2018-06-24 - Adams revision.pdf](#)

John,

Please see our edits to the letter (attached in track changes). If we are addressing the broader issue of what the government does not have access to, we believe that for completeness we need to add the additional information that we have inserted in this version.

Regards,  
Gloria

Gloria Maier  
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-----Original Message-----

From: Kokkinen, John (USAMN) [mailto:John.Kokkinen@usdoj.gov]  
Sent: Saturday, June 23, 2018 2:05 PM  
To: Wade, Lance <LWade@wc.com>; Maier, Gloria <GMaier@wc.com>  
Cc: Rank, Timothy (USAMN) <Timothy.Rank@usdoj.gov>; Maclaughlin, David (USAMN) <david.maclaughlin@usdoj.gov>  
Subject: RE: Adams - Report of Phone Call to Chambers

Lance and Gloria,

Thank you for your response. I would respectfully offer one final point, which is that in addition to our letter referencing the 190 (the correct count is 192--I apologize for the typo) documents/groups of documents designated on the privilege log and me mentioning it toward the end of the phone conference with the Court yesterday, the first sentence of the first full paragraph at page 3 of our letter stated: "The government has therefore proposed that AUSAs David MacLaughlin and Ann Bildtsen be given access to the emails referenced in the defense filings and provided to the Court, as well as any other emails designated privileged." So, we think that the issue is sufficiently before the Court. In any event, regardless of whether the Court permits a taint team to view all, only some, or none of the 192 documents/groups of documents identified on the two privilege logs, it seems to us that, at a minimum, the Court should have those.

More importantly in our view, however, is that the Court has posed to the parties, as articulated through her law clerk, a straightforward question that has two parts to it: How many documents does the government not have access to? If it is more than exhibits A-U, she wants to know that. She did not qualify the question by asking how many documents does the Court have in camera but the government doesn't or how many of the documents that are referenced in the motion to dismiss does the government not have. The answer to the two-part question is "192" and, thus, "yes, there are documents beyond exhibits A-U that the government does not have access to." We don't think it is prudent to deal with things in a piecemeal fashion when they are relevant to a matter being considered by the Court and are called for by a question that has been posed to the

parties by the Court.

If we need to word the joint email so that it presents just the factual answer to her question without any comment, that is fine. Attached is a word document that incorporates all of Gloria's most recent requested changes and proposes new language (the third paragraph) that answers, in what I hope is an unobjectionable way, the Court's question through Mr. Pousson.

I apologize for eating into everyone's weekend time. I am committed to getting this finalized so we can get it to the Court as soon as possible. I will remain available to discuss at your convenience. Please do not hesitate to contact me either at my desk (612-664-5648) or on my cell phone (612-250-1327).

Sincerely,  
John

-----Original Message-----

From: Wade, Lance <LWade@wc.com>  
Sent: Friday, June 22, 2018 5:02 PM  
To: Kokkinen, John (USAMN) <jkokkinen@usa.doj.gov>; Maier, Gloria <GMaier@wc.com>  
Cc: Rank, Timothy (USAMN) <TRank@usa.doj.gov>; Maclaughlin, David (USAMN) <DMAclaughlin@usa.doj.gov>  
Subject: RE: Adams - Report of Phone Call to Chambers

John,

Thanks. I re-read your submission after we talked. It only seeks the appointment of walled off lawyers to review unavailable/privileged documents relating to the motion to dismiss. It does not seek access to any such documents relating to the motion to suppress. The letter to the court should address all documents you don't have access to relating to the motion to dismiss. I don't construe her request as relating to all documents you don't have access to in the entire case - as that was not before the court.

-Lance

From: Kokkinen, John (USAMN)  
<John.Kokkinen@usdoj.gov<mailto:John.Kokkinen@usdoj.gov>>  
Date: Friday, Jun 22, 2018, 5:48 PM  
To: Wade, Lance <LWade@wc.com<mailto:LWade@wc.com>>, Maier, Gloria <GMaier@wc.com<mailto:GMaier@wc.com>>  
Cc: Rank, Timothy (USAMN) <Timothy.Rank@usdoj.gov<mailto:Timothy.Rank@usdoj.gov>>, Maclaughlin, David (USAMN) <david.maclaughlin@usdoj.gov<mailto:david.maclaughlin@usdoj.gov>>  
Subject: Adams - Report of Phone Call to Chambers

Lance and Gloria,

I called Judge Menendez's law clerk. I told him I had your consent to the phone call and that the parties had one question for the Court: whether the Judge needs the "joint" email before the end of the day or whether she just needs it before the end of the weekend. He put me on hold and went and spoke to the Judge. When he returned, he told me that the Judge said that it was fine if we sent the "joint" email before the end of the weekend.

Without me saying anything further, he told me that the Judge wanted to iterate to the parties that the "most important thing that the Judge wants to know is what documents the government does not have access to. If it is more than Exhibits A-U attached to the motion to dismiss, she wants to know that." He instructed me to relay this to everyone who was involved on the call. I thanked him and concluded the phone call.

Regards,  
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District of Minnesota, Criminal Division  
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